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Jon Figliolini

reg. # 02372-049

F.C.I. - Otisville

Otisville, N.Y., 10963

FILED

CLERK'S OFFICE

2004 JUL 23 P 12:46

U.S. DISTRICT COURT
DISTRICT OF MASS

Monday, July 19, 2004

United States District Court

Attention: Mr Paul Lyness, Clerk For

Honorable George A O'Toole Jr.

One Courthouse Way Suite 2300

Boston, Massachusetts 02210

RE: Petitioner's Motion under 28 U.S.C. § 2255
in regards to Case No 99-CR-10172-GAO.

Dear Mr Lyness,

I filed, (by mail), a motion under 28 U.S.C. § 2255 on April 06, 2004, in the above-captioned matter. Today, after calling the clerk's office, I became aware that this motion is, neither, in the Court's possession, nor was docketed.

During the month of February 2004, I wrote you a letter asking for the proper form to file my petition for § 2255. After waiting several weeks and receiving no response, I was left with no other choice but to

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type my own Petition For §2255 hoping that it'd suffice. This is the Petition that was mailed on April 26, 2004.

Along with the Petition I sent a motion for an extension of time, and attached exhibits, to file the memorandum of law in support of Petition for §2255.

In early June 2004, after being transferred from Old Colony Correctional Center, One Administration Rd., Bridgewater, Ma. 02324 to F.C.I.-Otisville, I mailed to the Court a letter giving notice of my address change. I also asked for my return; proof of filing the Petition for §2255. Again I received no response.

Later in June 2004, after my legal work caught up to me, I filed a motion for (90 day) Extension of Time to file memorandum of law in support of motion under 28 U.S.C §2255, which today I learned was docketed.

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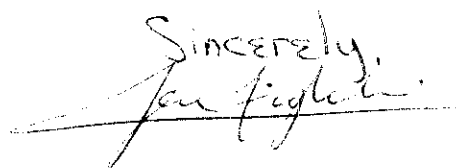
under 28 U.S.C. § 2255, and, (1) copy of the motion for extension of time to file memorandum of law in support of motion under 28 U.S.C. § 2255, which was originally mailed on April 06, 2004.

As my aunt explained to you, and as you already know, I would just like to reaffirm how imperative it was for this petition to be filed by April 10, 2004, due to the limitations period.

Seeing that I just completed the memorandum of law in support of motion under § 2255, enclosed are two (2) copies. also

Please send me a response letting me know you are in receipt of the enclosed documents?

Thankyou for handling this matter appropriately.

Sincerely,


Jon Figliolini (pro-se)

cc. File